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18 Attorneys for Plaintiff and Real Party in Interest

19  
**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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INTERNATIONAL CHURCH	) Case No.: CO7-03605-PJH-JCS
FOURSQUARE GOSPEL,	)
Plaintiff,	) <b>SECOND DECLARATION OF    DAVE MORTARA IN SUPPORT OF    MOTION FOR PRELIMINARY    INJUNCTION</b>
v.	)
	)
CITY OF SAN LEANDRO, MICHAEL	)
J. GREGORY (in his official capacity),	)
SURLENE G. GRANT(in her official	)
capacity), DIANA M. SOUZA(in her	) Date: September 5, 2007
official capacity), JOYSE R.	) Time: 9:00 a.m.
STAROSCIACK (in her official	) Courtroom: 3
capacity), BILL STEPHES (in his	) Hon.: Phyllis J. Hamilton

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1 official capacity), JIM PROLA (in his )  
2 official capacity), JOHN JERMANIS(in )  
3 his official and individual capacities), )  
4 DEBBIE POLLART (in her official and )  
individual capacities), DOES 1-50, )  
 )  
5 Defendants. )  
 )  
6 FAITH FELLOWSHIP FOURSQUARE)  
7 CHURCH, )  
 )  
8 Real Party in Interest. )  
9

10 I, Dave Mortara, do hereby declare as follows:

11 1. That if called upon, I could and would testify truthfully, as to my own  
12 personal knowledge, as follows:

13 2. I am on staff at the Faith Fellowship Worship Center (CHURCH),  
14 located at 577 Manor Boulevard, San Leandro, California 94579.

15 3. In my capacity as a member of the CHURCH staff I have personally  
16 attended meetings at the San Leandro City Hall which is located at 435 East 14<sup>th</sup>  
17 Street in the City of San Leandro, CA.

18 4. On August 21, 2007, I went to the City Hall to review the Council  
19 Chambers which is used for public assembly. The placard posted for the maximum  
20 capacity of the City Council Chambers states that the auditorium seats 140 persons.

21 5. In the back of the main meeting hall is another area used for standing  
22 room when the City Council Chambers are full. Although the room is for standing  
23 purposes, on August 21, 2007, I counted 15 chairs.

6. Next to the City Council Chambers is a room called the Sister City Room. That room is used for overflow and it has speakers mounted so that people in that room can listen in on the meetings in the main auditorium. On August 21, 2007, I counted the chairs in the Sister City Room and found that it has 35 seats.

7. To be certain that I was not mistaken as to the numbers, I spoke with a custodian who confirmed the capacity of the rooms described above.

I declare, under penalty of perjury under the laws of the State of California and the United States of America, that the foregoing is true and correct and is of my own personal knowledge, and indicate such below by my signature executed on this 21st day of August, 2007, in the County of Alameda, City of San Leandro.

/S/ Dave Mortara  
Dave Mortara, Declarant

**Attorney Attestation re Signature**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

/S/ Kevin Snider  
Kevin T. Snider  
Mathew B. McReynolds  
Peter D. MacDonald  
Attorneys for Plaintiff and  
Real Party in Interest